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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/740,487	12/19/2000	Michelle Q. Wang Baldonado	D/99342	3504

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EXAMINER
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ZHEN, LI B

ART UNIT	PAPER NUMBER
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2194

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/17/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

09/740,487

Applicant(s)

WANG BALDONADO ET AL.

Examiner

Li B. Zhen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,4-7,11,13,17,20-23,27 and 28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4-7,11,13,17,20-23,27 and 28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1, 4-7, 11, 13, 17, 20-23, 27 and 28 are pending in the application.

#### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/22/2007 has been entered.

#### ***Claim Rejections - 35 USC § 112***

3. Claims 13 and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 13 and 28 contain the trademark/trade name Windows and UNIX. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or

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trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe an operating system and, accordingly, the identification/description is indefinite.

### ***Specification***

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1, 4-7, 11, 13, 17, 20-23, 27 and 28 are rejected under 35 U.S.C.**

**103(a) as being unpatentable over U.S. Patent No. 6,253,369 to Cloud et al.**

**[hereinafter Cloud] in view of U.S. Patent No. 6,408,323 to Kobayashi et al.**

**[hereinafter Kobayashi].**

7. As to claim 1, Cloud teaches the invention substantially as claimed including a method for preparing a job for execution by a batch job execution system [batch work flow object generation process; col. 18, lines 51 – 58] in parallel [one or more units of

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work that may be dispatched to execute substantially concurrently; col. 10, lines 5 – 13], comprising:

receiving a job from an external source [Receives or retrieves request messages, depending on task initiation; col. 8, lines 42 – 47], wherein the job includes at least one task [decompose the message received and invoke several tasks; col. 11, lines 29 – 42];

selecting a program, subsequent to receiving the job [workflow object which can be selectively incorporated in workflows to satisfy a request from a client; col. 6, lines 30 – 49], which includes a declarative part [work flow object definition; col. 18, lines 51 – 58] and a procedural part [source code skeleton consistent with its particular function which is used as the infrastructure for creation of object source code; col. 18, lines 8 – 21];

preparing a batch job by associating the selected program with the job [workflow Manager will associate the Request with a workflow; col. 12, lines 3 – 17]; and

transmitting the batch job toward the batch job execution system [individual requests which make up the profile of the request from the client are then processed by the work flow manager environment where they are individually packaged for sending to the back-end servers; col. 13, lines 40 – 60];

wherein the declarative part identifies data dependencies between individual tasks [col. 10, lines 5 – 13], and further includes a description of work to be performed [col. 18, lines 50 – 60], references to resources needed to perform particular tasks [map storage areas to data elements and structures (principally in the session control block),

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for uses by work flows; col. 14, lines 50 – 60], and delegations of authority to access the resources and perform operations [data definition capabilities over the user accessible item areas; col. 11, lines 5 – 18];

wherein the procedural part contains logic enabling the batch job execution system to perform execution of individual tasks separately [source code skeleton consistent with its particular function which is used as the infrastructure for creation of object source code; col. 18, lines 8 – 21], in parallel [col. 10, lines 5 – 13]; and

wherein the procedural part does not know about the scheduling contained in the declarative part [To complete a complex unit of work, the work flow will decompose the message received and invoke several tasks to independently retrieve information from whatever different sources are necessary; col. 11, lines 29 – 42], but can specify additional steps that must be completed after the procedural part completes before a particular task is considered to have completed [Work flows contain executable objects that together fulfill the requirements of a request; col. 10, line 65 – col. 11, line 6]. Although Cloud teaches the invention substantially, Cloud does not specifically teach the declarative part schedules a plurality of tasks to be performed.

However, Kobayashi teaches a job execution managing apparatus [col. 4, lines 34 – 45], receiving a job request [col. 2, lines 18 – 40], preparing job information [col. 2, lines 18 – 40], a declarative part of an application that schedules a plurality of tasks to be performed [col. 12, lines 60 – 65] and a procedural part of an application that contains logic enabling the batch job execution system to perform execution of individual tasks separately [col. 5, lines 21 – 30].

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Cloud to incorporate the features of an application with a declarative part that schedules a plurality of tasks to be performed because this provides an improved method of managing file names or files so that contents or application of each document can immediately be understood, and if it is impossible to immediately understand contents of each document from a file name, it is necessary to open the file for ascertaining contents of the file [col. 1, lines 35 – 50 of Kobayahsi]

8. As to claim 11, Cloud as modified teaches a method for preparing and executing a task of a batch job by a batch job execution system [batch work flow object generation process; col. 18, lines 51 – 58 of Cloud], comprising the steps of:

receiving the task of the batch job which is to be executed by a service provider [Receives or retrieves request messages, depending on task initiation; col. 8, lines 42 – 47 of Cloud];

making a call to start a session with a remote platform, in response to receiving the task [Establishing a session control block, an internal application program interface memory management area used by the workflow manager during execution of the request's workflow; col. 8, lines 10 – 20 of Cloud];

making a call to put, subsequent to making a call to start a session, which transfers at least a portion of the information in the task to be executed to the remote platform [sending to the host; col. 20, line 55 – col. 21, line 5 of Cloud];

making a call to convert, subsequent to making a call to put, which instructs the remote platform to perform a function on the information transferred to the remote platform [files are referenced during the batch work flow object generation process in which the parameters are converted into CICS command level source code, then compiled and linked into an executable module; col. 18, lines 50 – 58 of Cloud];

making a call to get, subsequent to making a call to convert which retrieves the converted information from the remote platform [Functions of Retrieval and Extraction; col. 12, lines 29 – 42 of Kobayashi and col. 11, lines 29 – 42 of Cloud];

repeating each step of making a call to put, convert and get until the task is completed [col. 14, lines 28 – 50 of Cloud]; and,

making a call to end the session with the remote platform [Terminates and archives a logical session and, upon signoff, deletes the session control block; col. 8, lines 10 – 24 of Cloud];

wherein each of the above steps are performed by the service provider [server 1050; col. 16, lines 1 – 22 of Cloud]; and

wherein the step of making a call to start a session further comprises creating a unique address which identifies the session [col. 20, lines 37 – 45 of Cloud and col. 7, lines 5 – 23 of Kobayashi]; and

the step of making a call to end the session terminates the unique address [Terminates and archives a logical session and, upon signoff, deletes the session control block; col. 8, lines 10 – 24 of Cloud].



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9. As to claim 17, Cloud as modified teaches an apparatus for preparing a job for execution by a batch job execution system [batch work flow object generation process; col. 18, lines 51 – 58 of Cloud] in parallel [col. 10, lines 5 – 13 of Cloud], comprising:

a client, which is capable of receiving a job from an external source [Receives or retrieves request messages, depending on task initiation; col. 8, lines 42 – 47 of Cloud], wherein the job includes a plurality of tasks [decompose the message received and invoke several tasks; col. 11, lines 29 – 42 of Cloud], wherein the client is for:

selecting a program [workflow object which can be selectively incorporated in workflows to satisfy a request from a client; col. 6, lines 30 – 49 of Cloud] which comprises a declarative part [work flow object definition; col. 18, lines 51 – 58 of Cloud] and a procedural part [source code skeleton consistent with its particular function which is used as the infrastructure for creation of object source code; col. 18, lines 8 – 21 of Cloud], wherein the program may be used in executing the job;

preparing a batch job by associating the selected program with the job [workflow Manager will associate the Request with a workflow; col. 12, lines 3 – 17 of Cloud]; and

transmitting the batch job toward the batch job execution system [individual requests which make up the profile of the request from the client are then processed by the work flow manager environment where they are individually packaged for sending to the back-end servers; col. 13, lines 40 – 60 of Cloud];

wherein the declarative part schedules a plurality of tasks to be performed [col. 12, lines 60 – 65 of Kobayashi], identifies data dependencies between individual tasks [col. 10, lines 5 – 13 of Cloud], and further includes a description of work to be

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performed [col. 18, lines 50 – 60 of Cloud], references to resources needed to perform particular tasks [map storage areas to data elements and structures (principally in the session control block), for uses by work flows; col. 14, lines 50 – 60 of Cloud], and delegations of authority to access the resources and perform operations [data definition capabilities over the user accessible item areas; col. 11, lines 5 – 18 of Cloud];

wherein the procedural part contains logic enabling the batch job execution system to perform execution of individual tasks separately [source code skeleton consistent with its particular function which is used as the infrastructure for creation of object source code; col. 18, lines 8 – 21 of Cloud], in parallel [col. 10, lines 5 – 13 of Cloud]; and

wherein the procedural part does not know about the scheduling contained in the declarative part [To complete a complex unit of work, the work flow will decompose the message received and invoke several tasks to independently retrieve information from whatever different sources are necessary; col. 11, lines 29 – 42 of Cloud], but can specify additional steps that must be completed after the procedural part completes before a particular task is considered to have completed [Work flows contain executable objects that together fulfill the requirements of a request; col. 10, line 65 – col. 11, line 6 of Cloud].

10. As to claim 4, Cloud teaches the program is selected from a plurality of programs stored in a library, wherein the programs are capable of being executed by the batch job execution system [col. 6, lines 30 – 49].

11. As to claim 5, Cloud teaches receiving a signal from the external source designating the program to be selected [col. 14, lines 28 – 50].

12. As to claim 6, Cloud as modified teaches receiving a first signal from the external source, which identifies the input type of information included in the job [col. 12, lines 6 – 15 of Kobayashi];

receiving a second signal from the external source, which identifies the desired output type of information to be obtained when the job has been executed [col. 12, lines 6 – 15 of Kobayashi]; and

wherein the step of selecting a program is in response to receiving the first and second signal [col. 13, lines 10 – 43 of Kobayashi].

13. As to claim 7, Cloud as modified teaches determining the input type information included in the received job [col. 12, lines 6 – 15 of Kobayashi];

receiving a signal from the external source, which identifies the desired output to be obtained when the job has been executed [col. 12, lines 6 – 15 of Kobayashi]; and

wherein the step of selecting a program is in response to the steps of determining and receiving [col. 13, lines 10 – 43 of Kobayashi].

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14. As to claim 13, Cloud as modified teaches the remote platform is operating on a Windows based machine [col. 5, lines 13 – 30 of Kobayashi]; and the service provider is operating on a UNIX based machine [col. 1, lines 53 – 64 of Cloud].

15. As to claims 20 – 21, these are rejected for the same reasons as claim 4 – 5 above.

16. As to claims 22 and 23, these are rejected for the same reasons as claims 6 and 7 above.

17. As to claims 27 and 28, these are rejected for the same reasons as claims 11 and 13 above.

#### **CONTACT INFORMATION**

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Li B. Zhen whose telephone number is (571) 272-3768. The examiner can normally be reached on Mon - Fri, 8:30am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on 571-272-3718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Li B. Zhen  
Examiner  
Art Unit 2194

LBZ

  
4/12/2007